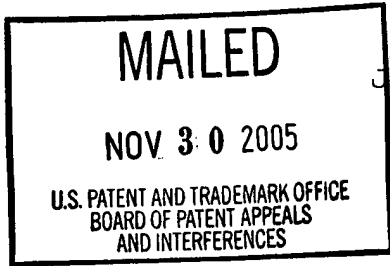


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte BRIAN UNITT, MICHAEL GRANT
JEFFREY FARRINGTON and DAVID PHILLIPS

Application No. 09/584,330

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 12, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the application indicates that the following headings are missing from the Appeal Brief of November 15, 2004:

- 1) "Evidence appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and
- 2) "Related proceedings appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c) is required.

Accordingly it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of November 15, 2004 defective;
- 2) for applicant to file a Supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the Supplemental Appeal Brief, and, vacate the Examiner's Answer mailed February 23, 2005, and issue a new Examiner's Answer in response to the Supplemental Appeal Brief in accordance with the new rules; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/eld

Barnes & Thornburg
P.O. Box 2786
Chicago, IL 606090-2786